

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

LARRY J. CHILDS,	)	
	)	
Petitioner,	)	
	)	
v.	)	CAUSE NO. 1:05-CV-132-TS
	)	
JOHN R. VANNATTA,	)	
	)	
Respondent.	)	

**OPINION AND ORDER**

Petitioner Larry Childs, a state prisoner confined at the Miami Correctional Facility, filed this *pro se* petition, pursuant to 28 U.S.C. § 2254. According to the petition, Mr. Childs is serving a sentence of three years for Driving While Intoxicated. He pled guilty and does not challenge the validity of his conviction. Mr. Childs asserts that the Indiana Department of Correction (“IDOC”) is not granting him credit for 69 days of home detention when calculating his release date.

In his petition, Mr. Childs asserts that the sentencing court granted him 288 days of credit for pretrial time he spent in jail, and 139 days credit for home detention. He alleges that the IDOC is only giving him credit for 70 days of credit for home detention. This question deals with the duration of Mr. Childs’s confinement. *Preiser v. Rodriguez*, 411 U.S. 475 (1973).

The respondent denies that the IDOC erred in calculating Mr. Childs’s release date. In support of his contention, the respondent has filed the Indiana Department of Correction records on Mr. Childs’s sentence and calculation of time credited toward his sentence. These records establish that on April 11, 2005, the assistant chief probation officer for the sentencing court prepared a document recapitulating his time credit. This document specifically credited Mr. Childs with 139 days of “H/D Time.” These records also establish that on April 29, 2005, the IDOC calculated Mr. Childs’s credit time and specifically noted that he was entitled to 139 days for home detention. The

Detail Credit Time Calculation of April 29, 2005 establishes that the IDOC has credited Mr. Childs with 139 days of home detention in determining his release date.

For the foregoing reasons, the court the court **DENIES** this petition.

SO ORDERED on January 19, 2006.

/s/ Theresa Springmann  
THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT